

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAVANDER SPRATLING,

Defendant.

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No. 3:22-CR-95-KAC-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Lavander Spratling's Unopposed Motion to Continue Plea Deadline and Trial Date [Doc. 19], filed on May 26, 2023.

In his motion, Defendant Spratling asks the Court to continue the June 27, 2023 trial date and corresponding plea deadline. Counsel for Defendant states that Defendant is detained in Laurel County, Kentucky. Counsel relates that he has been engaging in ongoing plea negotiations with the Government and recently tendered a draft plea agreement to Defendant. Counsel requests additional time to review and discuss the plea agreement with Defendant. Counsel has explained Defendant's speedy trial rights to him and relates that Defendant understands that the period of time between the filing of the instant motion and a rescheduled trial date would be fully excludable for speedy trial purposes. Counsel further relates that he has spoken with counsel for the Government, who has no objection to the requested continuance. Counsel submits that granting the continuance would serve the ends of justice and that the need for additional time outweighs the best interests of the public and Defendant in a speedy trial.

Based upon the information provided by Defendant in his motion and the lack of opposition by the Government, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs additional time to review the plea documents with Defendant—a task made more difficult by Defendant’s pretrial detention—and prepare for trial in the event plea negotiations are not fruitful. This cannot be done by the June 27, 2023 trial date.

The Court therefore **GRANTS** Defendant Spratling’s Unopposed Motion to Continue Plea Deadline and Trial Date [**Doc. 19**]. The trial of this case is reset to **August 8, 2023**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on May 26, 2023, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B).

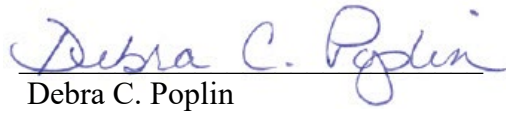
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Spratling’s Unopposed Motion to Continue Plea Deadline and Trial Date [**Doc. 19**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **August 8, 2023, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (3) All time between the filing of the motion on **May 26, 2023**, and the new trial date of **August 8, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing a plea agreement in the record and providing reciprocal discovery is **June 30, 2023**;

- (5) The deadline for filing motions *in limine* is **July 17, 2023**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **July 18, 2023, at 10:00 a.m.**; and
- (7) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **July 28, 2023**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge